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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/584,844	06/28/2006	Wen Gao	LPITF-TRAN-10	3452
23500	7590	04/08/2011	EXAMINER	
J C PATENTS			TORRENTE, RICHARD T	
4 VENTURE, SUITE 250			ART UNIT	PAPER NUMBER
IRVINE, CA 92618			2485	
MAIL DATE		DELIVERY MODE		
04/08/2011		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/584,844	GAO ET AL.
	<b>Examiner</b>	Art Unit
	RICHARD TORRENTE	2485

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 25 February 2011.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-10 is/are pending in the application.
  - 4a) Of the above claim(s) 5 and 6 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-4 and 7-10 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 25 February 2011 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-945)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because legal phraseology "comprises" is used in line 2. Correction is required. See MPEP § 608.01(b).
3. The abstract of the disclosure is objected to a typo "a code stream.." is used in line 11. Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 101***

1. Claim(s) 1-4 and 7-10 is/are rejected under 35 U.S.C. 101 because the claimed invention includes ineligible embodiments in the specification. Claim 1 is drawn to processing system. Normally, the claim would be statutory. However, the specification, did not disclose "processing system" or "system". Lacking the definition of "system", the disclosure of the specification for a system for encoding is in the specification ¶ [0060], which discloses an encoding method as encompassing non-statutory subject matter such as a "software".

A "software" embodying functional descriptive material is neither a process nor a product (i.e., a tangible "thing") and therefore does not fall within one of the four statutory classes of § 101. Rather, the presently claimed a software can range from paper on which the program is written, to a program simply contemplated and memorized by a person.

Because the full scope of the claim as properly read in light of the disclosure encompasses non-statutory subject matter, the claim as a whole is non-statutory. The examiner suggests amending the claim to positively recite structure. Any amendment to the claim should be commensurate with its corresponding disclosure.

#### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 7, 8 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Srinivasan et al. (US 2003/0113026) for the same reason as the last office action dated 11/30/10.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Srinivasan et al. (US 2003/0113026) in view of Hatano et al. (US 6,792,046) for the same reason as the last office action dated 11/30/10.

3. Claims 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Srinivasan et al. (US 2003/0113026) in view of Hagai et al. (US 2004/0146105) for the same reason as the last office action dated 11/30/10.

***Response to Arguments***

1. Applicant's arguments filed 2/25/11 have been fully considered but they are not persuasive. Applicant argued that Srinivasan "fail to disclose "selecting the coding mode for a macroblock type in the current image according to the number of skipped macroblocks, if it is a run\_length coding, then proceeding to step 3; if it is a joint coding of the number of skipped macroblocks and the macroblock type, then proceeding to

step 4" because "neither run\_length coding nor joint coding of the number of skipped macroblocks and the macroblock type in the present invention was disclosed. The Examiner respectfully disagrees. The claim did not define what a run\_length coding and joint coding are. The Examiner interpreted the run\_length coding as coding of a run of skipped block with a bit length, and interpreted joint coding as any combination of coding of any type or any format. Thus, Srinivasan discloses selecting the coding mode for a macroblock type (e.g. see Table 2, wherein the run\_length is 10 or 11 for a run of row or column respectively) (Note the Examiner showed e.g. of the table to indicate that the run\_length of the skipped row or column is also applicable to other tables such as Table 3) in the current image according to the number of skipped macroblocks, if it is a run\_length coding (see ¶ [0119]), then proceeding to step 3; if it is a joint coding (see ¶ [0153], wherein any of the "coded jointly" modes in Table 3 meets the jointly coding as claimed) of the number of skipped macroblocks and the macroblock type, then proceeding to step 4. Therefore, the Examiner maintains all limitations are met.

### ***Conclusion***

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RICHARD TORRENTE whose telephone number is (571) 270-3702. The examiner can normally be reached on M-Th: 7:30 - 6:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on (571) 272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Richard Torrente/

Examiner, Art Unit 2485

/Jayanti K. Patel/  
Supervisory Patent Examiner, Art Unit 2465  
April 7, 2011